

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

SUBMISSION FROM STIRLING COUNCIL

Background

The primary legislation providing the basis for the taking of a census in Scotland is the Census Act 1920. Topics for inclusion in the census are prescribed in a Schedule accompanying the Act which allows these to change as considered appropriate.

The current Schedule and the basis for the 2011 Census lists the following topics:

- names, sex, age;
- occupation, profession, trade or employment;
- nationality, birthplace, race, language;
- place of abode and character of dwelling;
- condition as to marriage, relation to head of family, issue born in marriage;
- religion; and
- Any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population

The Census (Amendment) (Scotland) Bill

The Census (Amendment) (Scotland) Bill was introduced in the Scottish Parliament on 2 October 2018. This seeks to include references to “gender identity” and to “sexual orientation” in the above “schedule” and include questions in the 2021 Census about aspects of gender identity and sexual orientation.

Under the Census Act 1920, it is a criminal offence to refuse to complete the Census, fail to complete any part of it or provide false information when completing it. The only exception to this is the question on an individual’s religion: “Section 8(1A) of the Act provides that a person is not liable for a penalty [under section 8(1) of the Act] in relation to questions on religion.

It should be noted that responding to the proposed questions on gender identity” and “sexual orientation will be voluntary and as with the question on religion, refusing or omitting to complete either or both of these will not be a criminal offence.

Comments

Inclusion of questions on gender identity and sexual orientation in the Census will provide:-

- 1) An opportunity to improve the availability and quality of information on specific sections of our communities for whom statistically robust information is currently limited.
- 2) The potential opportunity to increase understanding of specific sections of our communities for whom statistically robust information is currently limited.

The Scottish Household Survey includes a question on sexual orientation, is undertaken on a rolling basis rather than with regular frequency, and has a sample size of 23,000 households. By contrast, the Census applies to all household in Scotland (3 million) and the 2011 Census achieved an overall response rate of 94% of the usually resident population of Scotland.

In 2011, completed Census forms could be submitted electronically with approximately 20% of forms returned in this way. The Census in 2021 will more actively promote digital submission of completed forms and it is anticipated 80% of returns will be submitted in this manner, potentially securing a higher overall level of return than the 94% achieved in 2011.

- 3) The potential opportunity to improve the availability and quality of information on specific sections of our communities in a sensitive manner.

The voluntary nature of the questions concerned and the absence of any penalty for not answering these recognises their potential sensitivity and possible issues arising from responsibility for completing the Census resting with the "Head of Household".

- 4) The potential indirect and longer term benefit of encouraging more individuals to provide information on their gender identity and sexual orientation to agencies and organisations seeking this information as part of their remit or responsibilities.

For example, local authorities as employers must gather and use information on the composition of their workforce and demonstrate how they are fulfilling their statutory equality responsibilities as an employer. Any comparison between the composition of Council workforces and the wider population requires robust information at local and national level. Similarly, the design, review and delivery of services will more effectively meet the needs of our communities when supported by improved information.

Conclusion

Detailed consideration will require to be given to the wording of the questions proposed in the Census to ensure these are inclusive and as sustainable as possible in terms of enabling comparison of future results.

Inclusion of questions on gender identity and sexual orientation in the Census from 2021, offer considerable potential short and longer term benefits, particularly for public sector organisations with responsibility for policy development and service delivery and are therefore welcomed by Stirling Council.